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Company, Caterpillar Global Mining LLC, and
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ESCO CORPORATION and ESCO
CANADA, LTD.

Plaintiffs,

v.

CASHMAN EQUIPMENT COMPANY,
CATERPILLAR GLOBAL MINING LLC,
CATERPILLAR INC., RAPTOR MINING
PRODUCTS (USA) INC., and RAPTOR
MINING PRODUCTS INC.

Defendants.

Lead Case No.: 2:12-cv-01545-RCJ-CWH
Consolidated Cases: (2:12-cv-01545-RCJ-CWH,
2:14-cv-529-RCJ-PAL)

**STIPULATED MOTION FOR DISMISSAL
WITH PREJUDICE**

1 The Plaintiffs, ESCO Corporation and ESCO Canada Ltd. and the Defendants, Cashman
2 Equipment Co., Caterpillar Global Mining LLC, Caterpillar Inc., Raptor Mining Products (USA)
3 Inc., and Raptor Mining Products Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move
4 for an order dismissing all claims and counterclaims in this action WITH PREJUDICE, subject
5 to the terms of that certain agreement entitled "**PATENTS SETTLEMENT AGREEMENT**"
6 and dated November 30, 2016, with each party to bear its own costs, expenses and attorneys'
7 fees.
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11 **RESPECTFULLY SUBMITTED** on this 12th day of December, 2016.

12
13 **ESCO CORPORATION**

14 /s/ Binal J. Patel
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10 *Attorneys for ESCO Corporation*

11 **CASHMAN EQUIPMENT COMPANY,**
12 **CATERPILLAR GLOBAL MINING LLC, and**
13 **CATERPILLAR INC.**

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RAPTOR MINING PRODUCTS INC. AND
RAPTOR MINING PRODUCTS (USA) INC.

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14 *Raptor Mining Products (USA) Inc.*
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 12, 2016, a true and correct copy of the foregoing STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE will be served upon all counsel of record who are registered participants via electronic mail through the United States District Court's CM/ECF system.

DATED: December 12, 2016

/s/ Binal J. Patel

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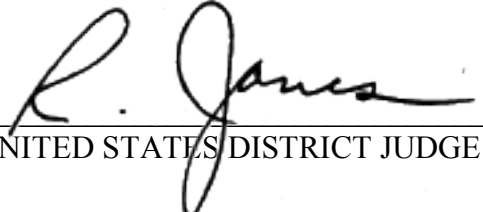
**[PROPOSED] ORDER OF DISMISSAL
WITH PREJUDICE**

1 CAME ON THIS DAY for consideration of the Stipulated Motion for Dismissal With
2 Prejudice of all claims and counterclaims asserted between Plaintiffs, ESCO Corporation and
3 ESCO Canada Ltd. and Defendants, Cashman Equipment Co., Caterpillar Global Mining LLC,
4 Caterpillar Inc., Raptor Mining Products (USA) Inc., and Raptor Mining Products Inc., in this
5 case, and the Court being of the opinion that said motion should be GRANTED, it is hereby
6

7 ORDERED, ADJUDGED AND DECREED that:

8 All claims and counterclaims asserted in this suit between Plaintiffs, ESCO Corporation
9 and ESCO Canada Ltd. and Defendants, Cashman Equipment Co., Caterpillar Global Mining
10 LLC, Caterpillar Inc., Raptor Mining Products (USA) Inc., and Raptor Mining Products Inc., are
11 hereby dismissed with prejudice, subject to the terms of that certain agreement entitled
12 “PATENTS SETTLEMENT AGREEMENT” and dated November 30, 2016; and all
13 attorneys’ fees and costs are to be borne by the party that incurred them.
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16 IT IS SO ORDERED:

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20 UNITED STATES DISTRICT JUDGE

21 DATED: January 5, 2017.
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